

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

)	
)	
RANDALL WILKERSON,)	
)	
Plaintiff)	
)	4:08-cv-054-DFH-WGH
vs.)	
)	
INDIANA FAMILY AND SOCIAL)	
SERVICES ADMINISTRATION, et. al,)	
)	
Defendants.)	
)	
)	

ORDER REGARDING THE CONSOLIDATION OF CASES

On July 25, 2008, Plaintiff Wilkerson filed a Motion to Consolidate this action with Cause No. 4:07-cv-129-SEB-WGH, entitled. William Keller and Ronnie Gullion v. Indiana Family and Social Services Administration, Division of Mental Health and the State of Indiana.

Ind. S.D. Local Rule 42.2, entitled Consolidation of Cases, states:


A motion to consolidate two or more cases pending upon the docket of the Court shall be filed in the case bearing the earliest docket number. That motion shall be ruled upon by the Judge to whom that case is assigned. In each case to which the consolidation motion applies, a copy of the moving papers shall be served upon all parties and a notice of consolidation motion shall be filed.

Plaintiff Wilkerson's Motion to Consolidate was not filed in accord with those procedures. The motion was filed in Cause No. 4:08-cv-0054 instead of being filed in Cause No. 4:07-cv-129. Accordingly, Plaintiff Wilkerson's Motion to Consolidate the two cases is denied.

If Plaintiff Wilkerson decides to pursue consolidation of the two actions, he should file a proper motion in Cause No. 4:07-cv-0054 and a brief in support setting forth the common facts and issues presented and explaining why consolidation is warranted. The Court requires something more than a cursory motion. Plaintiff Wilkerson should also indicate the position of defense counsel with respect to the motion.

SO ORDERED.

Date: August 5, 2008

A handwritten signature in black ink, reading "David F. Hamilton", is written over a horizontal line.

DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

Copies to:

Laura Lee Bowker
OFFICE OF THE INDIANA ATTORNEY GENERAL
laura.bowker@atg.in.gov

Samuel George Hayward
ADAMS HAYWARD & WELSH
samuelghayward@hotmail.com

Juliana B. Pierce
INDIANA STATE ATTORNEY GENERAL
Julie.Pierce@atg.in.gov